

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN THE MATTER OF

RICHARD C JACKSON,

DEBTOR

IN PROCEEDINGS

UNDER CHAPTER 13

CASE NO. 19-18876

JUDGE: Goldgar,

**NOTICE OF MOTION**

**Notified via Electronic Filing**

U.S. Trustee, 219 S Dearborn St, Room 873, Chicago, IL 60604

Marilyn Marshall, 224 South Michigan, Ste 800, Chicago, IL 60604

David M Siegel, David M. Siegel & Associates, 790 Chaddick Drive, Wheeling, IL 60090

**Notified via US Postal Service**

Richard C Jackson, 1117 N Waller Avenue, Chicago, IL 60651

Please take notice that on the 28th day of April, 2020, at the hour of 1:30 p.m. or as soon thereafter as I may be heard, I shall appear telephonically before the Honorable Judge A. Benjamin Goldgar, at the United States Bankruptcy Court, 219 S Dearborn, Chicago, IL 60604 or before any other Bankruptcy Judge who may be presiding in his/her place and stead and shall then and there present the accompanying motion. A party who objects to this motion and wants it called must file a Notice of Objection no later than two (2) business days before the presentment date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. At that time and place you may attend telephonically if you so choose. If no Notice of Objection is timely filed, the court may grant the motion without a hearing before the date of presentment.

**AFFIDAVIT OF SERVICE**

The undersigned hereby certifies that he/she caused a true and correct copy of the above and foregoing document to be sent to the Debtor at the address listed below. Said copy was placed in an envelope addressed as listed below and placed in the U.S. Mail on April 17, 2020, with first class postage prepaid. All other parties entitled to notice received such notice electronically, through the office of the Clerk of the Court.

Respectfully Submitted,

/s/ Michael N. Burke

Mike Kalkowski ARDC #6185654  
Richard B. Aronow ARDC# 03123969  
Michael N. Burke ARDC#6291435  
Shapiro Kreisman & Associates, LLC  
2121 Waukegan Road, Suite 301  
Bannockburn, IL 60015  
(847) 291-1717  
Attorneys for Movant  
17-085113

**The firm of Shapiro Kreisman & Associates, LLC is a debt collector. This is an attempt to collect a debt. Any information may be used for that purpose. If your personal liability for this debt has been extinguished, discharged in bankruptcy or if a court order prohibits collecting this debt from you personally, then this is an attempt to enforce the Movant's rights with respect to the property addressed herein, and it is not an attempt to collect the debt from you personally.**

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
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IN THE MATTER OF  
  
RICHARD C JACKSON,  
  
DEBTOR

IN PROCEEDINGS  
UNDER CHAPTER 13  
  
NO. 19-18876  
JUDGE: Goldgar,

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR IN THE ALTERNATIVE  
DISMISSAL OF THE CASE**

NOW COMES the Movant, Wells Fargo Bank, N.A., by and through its attorneys, Shapiro Kreisman & Associates, LLC, and states as follows:

1. On July 3, 2019, the above-named Debtor filed a Petition pursuant to 11 USC § 1301, et. seq. and a Plan which was confirmed on September 24, 2019.
2. A material term of said plan called for the Debtor to make post-petition monthly mortgage payments directly to the Movant commencing with the installment that came due on August 1, 2019.
3. Notwithstanding said material term, as of April 14, 2020, said post-petition mortgage payments are in default in the amount of \$6,356.00:

1/1/2020 - 4/1/2020 monthly payments	= \$	6,371.92
at \$1,592.98 each		
Suspense balance	= \$	(15.92)
 TOTAL	 = \$	 6,356.00

4. By failing to make current mortgage payments, the Debtor has failed to provide the Movant with adequate protection for its security, contrary to the requirements of the Bankruptcy Code.

5. Debtor executed a promissory note secured by a mortgage or deed of trust. The promissory note is either payable to Movant or has been duly endorsed. Movant, directly or through an agent, has possession of the promissory note. Movant is the original mortgagee or beneficiary or the assignee of the mortgage or deed of trust.

6. That the Movant adopts the facts set forth in the Statement of Default as additional allegations in support of this motion.

7. Upon information and belief, additional liens exist against the subject property in the amount of \$8,495.00.

8. This failure constitutes a material default entitling Movant to relief pursuant to 11 U.S.C. §362(d).

9. For the reasons set forth above, it would be inequitable to delay the enforcement of any order modifying the automatic stay with respect to the Movant.

WHEREFORE, Wells Fargo Bank, N.A., moves this Honorable Court to modify the automatic stay to allow Wells Fargo Bank, N.A. to pursue its rights under applicable state law with respect to the mortgage on the property located at: 1117 N Waller Ave, Chicago, IL 60651 or to take action, with respect to this real property, as set forth under applicable non-bankruptcy law such as modification, short sale, and other loss mitigation options; that the unpaid portion of any proof of claim or stipulation calling for payment of the debt secured by that mortgage be withdrawn for purposes of these

proceedings only and that Federal Bankruptcy Rule 4001(a)(3) be waived or dismiss the case.

Respectfully submitted,

/s/ Michael N. Burke  
Attorney for Wells Fargo Bank, N.A.

Mike Kalkowski ARDC #6185654  
Richard B. Aronow ARDC# 03123969  
Michael N. Burke ARDC#6291435  
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